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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,752	01/05/2001	Terry L. Williams	6785-120	3897

7590 07/25/2003

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EXAMINER
NGUYEN, TU X

ART UNIT	PAPER NUMBER
2684	6

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/755,752	WILLIAMS, TERRY L.
Examiner	Art Unit	
Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews et al. (US Pub 2002/0077151).

Regarding claims 1 and 13, Matthews et al. disclose a wireless cellular communication system comprising a base station and at least one repeater (fig.1) communicating over a wireless backhaul link for communicating with a plurality of mobile subscribers, a method for improved backhaul efficiency, comprising the steps of:

dynamically assigning for said backhaul link at least one packet channel for transmission of selected packets on a backhaul signal for a subscriber, said at least one passive channel comprising at least an RF frequency and a channel definition (see paragraph 0033, 081, 083); and

transmitting said selected packets on said at least one packet channel between said at least one repeater and said base station (see paragraph 083).

Regarding claims 2 and 14, Matthews et al. disclose the step of performing said assigning step in response to a request for communicating over said backhaul signal for one of said plurality of mobile subscribers (see par.78).

Regarding claims 3 and 15, Matthews et al. discloses said request include a priority (see par. 072). Matthews et al. disclose mobile packet data communication network (see par. 004); therefore, a priority “field” is inherently disclosed in mobile packet data communication.

Regarding claims 4 and 16, Matthews et al. fail to disclose a comparing step wherein said data priority fields are compared to determine whether to terminate transmission of a lower priority transmission to allow transmission of a higher priority transmission (see par.0076).

Regarding claims 5 and 17, Matthews et al. disclose the step of dynamically reassigning at least a portion of said assigned packet channel for transmission of a second backhaul signal (see par.033).

Regarding claims 6 and 18, Matthews et al. disclose everything as claim 1 above. More specifically, Matthews et al. disclose “dynamically allocate uplink and downlink” and “quality of service requirements” (see par.0074) reads on “a number of said selected packets which can be sent over said assigned packet channel” with broadest reasonable interpretation.

Regarding claims 7 and 19, Matthews et al. disclose channel definition further includes an identified time for transmission of said selected packets (see par.009).

Regarding claims 8 and 20, Matthews et al. disclose backhaul signal comprises at least one selected from the group consisting of user traffic and control data (see par.033).

Regarding claims 9 and 21, Matthews et al. disclose user traffic is comprised of voice traffic (see par.007).

Regarding claims 10 and 22, Matthews et al. disclose packets are transmitted over said backhaul link using a higher order modulation (see par.015 and par. 078).

Regarding claims 11 and 23, Matthews et al. disclose the step of converting between a packet based backhaul signal (see par.0038) and a non-packet (see par.007) based ground link signal.

Regarding claims 12 and 24, Matthews et al. disclose at least one repeater comprises a plurality of repeaters, wherein one of said at least one packet channel is used to transmit packets between multiple repeaters selected from said plurality of repeaters and further in view of said base station (see fig.1).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

June 19, 2003

Nick Cono